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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,959	12/30/2003	Farhad Barzegar	1014-053 (2003-0009)	7879
26652	7590	06/15/2007		
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			EXAMINER MOUTAOUAKIL, MOUNIR	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			06/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/748,959	Applicant(s) BARZEGAR ET AL.	
	Examiner Mounir Moutaouakil	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is written using claim phraseology. Correction is required. See MPEP § 608.01(b).

3. The specification is objected to because of the following informalities:

The summary section of the specification utilizes claim phraseology.

Appropriate correction is required.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Double Patenting

5. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

6. Claims 1, 19 and 20 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 19, and 20 of copending Application No. 10/748958. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 6, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hjartarson et al (WO 01/17219 A1). Hereinafter referred to as Hjartarson.

Regarding claim 1, 19, and 20, Hjartarson discloses a telecommunication method. The method comprises receiving, at a subscriber interface line card, an analog signal from a POTS subscriber loop circuit (see page 5, lines 1-12. The method includes an analog front end for coupling the line card to a telephone or POTS); quantizing analog signal into a plurality of digital samples (see page 5, lines 1-12. The method includes a digitizer for digitizing the received voice signal); encoding, via high-quality audio codec instruction running on a digital signal processor installed on the subscriber interface line card, the plurality of digital samples (see page 5, lines 1-12. the interface line card includes a packetizer for packetising the digitized voice signals and a controller

for controlling the destination of the voice signals); converting, via conversion instructions running on the digital signal processor, the encoded plurality of digital samples into a plurality of VoATM packets (see figure 3, element 46. the interface line card includes converts the packets into VoATM packets).

Regarding claim 2. The method of Hjartarson further comprises sampling the received analog signal into a plurality of samples (see page 9, lines 26-33. the codec has a sampling rate, which inherently indicate that the analog signals are sampled into a plurality of samples).

Regarding claim 3. The method of Hjartarson further comprises digitizing a plurality of samples obtained from the received analog signal (see page 5, lines 1-12. the system comprises a digitizer for digitizing the received voice signal).

Regarding claim 4. The method of Hjartarson further comprises providing a destination address to each of the plurality of packets (see page 5, lines 1-12. The system comprises a controller for controlling the destination of the packets).

Regarding claim 5. The method of Hjartarson further comprises providing the plurality of VoATM packets to a VoATM packet interface (see figure 3, elements 46 and 70, where the system provides VoATM packets to a VoATM packet interface).

Regarding claim 6, 7 and 15. The method of Hjartarson further comprises via instructions running on the digital signal processor, performing echo cancellation and suppression on the encoded plurality of digitized samples (see page 7, lines 5-10. the processor conducts echo cancellation and suppression on the encoded plurality of digitized samples).

Regarding claim 8. The method of Hjartarson further comprises via instructions running on the digital signal processor, compressing the plurality of digitized samples (see page 5, lines 1-12. the system packetized the digitized signal, which indicate samples compression).

Regarding claim 9. The method of Hjartarson further comprises via instructions running on the digital signal processor, modulating the plurality of digitized samples (see page 5, lines 1-12. the system packetizes the digitized samples which indicate samples modulation).

Regarding claim 10. The method of Hjartarson further comprises via instructions running on the digital signal processor, pulse code modulating the plurality of digitized samples (see page 5, lines 1-12. the system converts analog signals into digital signals. Which indicate pulse code modulation of the digitized samples).

Regarding claims 16-18. Hjartarson discloses subscriber line card is adapted to be installed at a central office, central office switch or remote terminal of a central office switch (see figure 3 element 68. element 60 can be installed anywhere within the network)

Claim Rejections - 35 USC § 103

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 11-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Hjartarson in view of Nodoushani et al (US 7,164,694). Hereinafter referred to as Nodoushani.

Regarding claims 11-13. Hjartarson discloses a system, which utilizes a DTMF and Fax machines (It should be noted that the term voice is used generically and its definition may be extended to include other analog transmissions such as fax, page 2, lines 14-29).

Hjartarson did not disclose a method of converting out-of-band DTMF signals, such as fax signals, associated with the analog signal to an out-of-band packet format.

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However, Nodoushani discloses a loop carrier system capable converting analog voice samples and signaling (in-band and out-of-band) to IP packets or another format suitable for the access system (see column 43, line 59- column 44, line 6). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the method of converting out of band analog signals to out of band packets, as taught by Nodoushani, into the telecommunication system of Hjartarson. The motivation for utilizing the conversion method taught by Nodoushani within the telecommunication system of Hjartarson being that it will allow the system to have a dedicated channel for control signals.

Regarding claim 14. Hjartarson discloses all the limitations of claim 1.

Hjartarson does not disclose a method of converting a voice-band modem signal associated with the analog signal to an out-of-band packet format. However, Nodoushani discloses a loop carrier system capable converting analog voice samples and signaling (in-band and out-of-band) to IP packets or another format suitable for the access system (see column 43, line 59- column 44, line 6). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the method of converting voice band signal associated with the analog signals to out of band packets, as taught by Nodoushani, into the telecommunication system of Hjartarson. The motivation for utilizing the conversion method taught by Nodoushani within the telecommunication system of Hjartarson being that it will allow the system to have a dedicated channel for control signals.

Conclusion

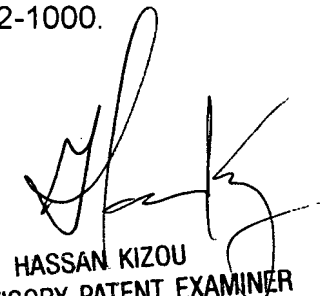
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mounir Moutaouakil whose telephone number is 571-270-1416. The examiner can normally be reached on Monday-Thursday (4pm-4: 30pm) eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mounir Moutaouakil
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HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600